

IN THE UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF IOWA (Waterloo)

| | | |
|--------------------------------------|---|-----------------------|
| IN RE: |) | |
| |) | |
| Ryan's Electrical Services, LLC |) | Case No. 20-00411 |
| |) | Chapter 11 |
| Debtor, |) | Judge Thad J. Collins |
| |) | |
| Americredit Financial Services, Inc. |) | |
| dba GM Financial |) | |
| Movant, |) | |
| v. |) | |
| |) | |
| Ryan's Electrical Services, LLC |) | |
| Respondent, |) | |
| and |) | |
| |) | |
| Douglas Dean Flugum |) | |
| Trustee. |) | |

MOTION FOR RELIEF FROM STAY

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW Movant, Americredit Financial Services, Inc. dba GM Financial, and alleges as follows:

I.

Movant is a secured creditor of Respondent in the above-captioned cause.

II.

On or about January 31, 2019, and prior to the filing of Debtor's petition in bankruptcy, Respondent, executed and delivered an Iowa Vehicle Retail Installment Contract payable to the order of Movant.

III.

As security for Respondent's obligation on the Agreement, Respondent granted to

Movant a security interest in the following property of Respondent: a 2019 Chevrolet Silverado; VIN: 1GCRYAEF8KZ188316, a copy of said Agreement is attached hereto as Exhibit "A." A copy of the Certificate of Title to said vehicle is attached hereto as Exhibit "B."

IV.

Respondent has defaulted on the obligations to Movant, in that Respondent has failed to make the payments required under the terms of the Agreement. Respondent owes Movant the sum of \$28,989.42 plus interest. The current delinquent amount due to Movant is \$2,696.04, representing default for more than three (3) monthly payments of \$644.01.

V.

Movant will be inadequately protected in the event that the automatic stay is not lifted. Respondent is unable to make the payments called for in the Agreement during the pendency of this bankruptcy and the Debtor has no equity in the vehicle. The value of the collateral is declining during the pendency of this bankruptcy. The current amount owed to Movant is approximately \$28,989.42, and the current NADA loan value of the collateral is approximately \$23,500.00.

VI.

The continuation of the automatic stay will work real and irreparable harm to Movant and will deprive Movant, of adequate protection to which it is entitled under 11 U.S.C. §362 and §363 for the reasons mentioned above.

VII.

The continuation of the automatic stay could result in an unlawful taking of Movant's property.

WHEREFORE Movant, Americredit Financial Services, Inc. dba GM Financial, prays for a

judgment terminating the automatic stay to permit Movant, to exercise any of its rights on the following property:

a 2019 Chevrolet Silverado; VIN: 1GCRYAEF8KZ188316 .; or in the alternative, for an order directing the Debtor to provide adequate protection for Movant's interest in said vehicle in an amount sufficient to protect its interest.

Respectfully submitted,

/s/ Rodger Turbak

Rodger Turbak, No. AT0012446

Lewis Rice LLC

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ATTORNEY FOR MOVANT

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CERTIFICATE OF MAILING

The undersigned hereby certifies that on this 6th day of May, 2020, a copy of the Motion for Relief and exhibits were deposited in the United States mail, postage prepaid, addressed to:

Ryan's Electrical Services, LLC
2917 Falls Ave.
Waterloo, IA 50701
Debtor

Douglas Dean Flugum
PO Box 308
Cedar Rapids, IA 52406
Trustee

Robert Cardell Gainer
1307 50th Street
West Des Moines, IA 50266
Debtor's Attorney

United States Trustee
111 7th Avenue SE, Box 17
Cedar Rapids, IA 52401-2101

/s/ Rodger Turbak
Rodger Turbak, No. AT0012446
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ATTORNEY FOR MOVANT